

ATTORNEY DOCKET NO. TELE03-00019
U.S. SERIAL NO. 10/764,923
PATENT

REMARKS

Claims 1-10 are pending in the present application.

Claim 8 was indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. Claim 8 has been so amended.

Claim 1 was also amended herein.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1-7 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0102148 to *Perkitny et al.* This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-76 (8th ed. rev. 5 August 2006).

Independent claim 1 recites a funnel having a body portion and a spout portion mounted for sliding movement on the coin canister along the series of tubular receptacles for alignment with one of the series of tubular receptacles, the funnel body having an opening to allow the insertion of coins and an internal coin passage constructed to provide a flow path for the coins to pass into the coin canister receptacles in a metered flow through an exit constructed in the spout. Such a feature is not found in the cited reference. The funnel 68 in *Perkitny et al.* is not slidably movable relative to the

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coin cannister received by the stand along (or around) the circle of tubular receptacles for alignment of the spout with one of the tubular receptacles. Instead, the funnel 68 in *Perkitny et al*, while removable, remains fixed relative to coin containers 36 when mounted on the device.

Therefore, the rejection of claims 1-7 and 10 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 103 (Obviousness)

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perkitny et al* in view of U.S. Patent Application Publication No. 2004/0043958 to *Yamaguchi et al*. This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5 August 2006). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

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As noted above, independent claim 1 recites a feature not found in *Perkitny et al.* Such a feature is also not found in *Yamaguchi et al.*

Therefore, the rejection of claim 10 under 35 U.S.C. § 103 has been overcome.

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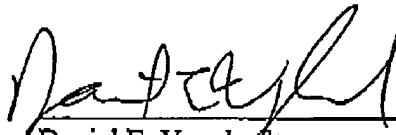
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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